

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 04/24/2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
-against-	:	19-CR-862 (VEC)
	:	
EMANUEL BONAFE,	:	<u>ORDER</u>
	:	
Defendant.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on May 4, 2022, Mr. Bonafe was sentenced principally to a term of imprisonment of sixteen years, *see* J., Dkt. 764;

WHEREAS on March 28, 2024, Defendant filed a motion requesting that the Court consider a sentence reduction pursuant to Amendment 821 to the U.S. Sentencing Guidelines (“Amendment 821”),¹ *see* Mot., Dkt. 1163, which went into effect on November 1, 2023, and which applies retroactively; *see* U.S.S.G. §§ 1B1.10, 4A1.1(e), 4C1.1;

WHEREAS on March 21, 2024, the United States Probation Department reported that Defendant is not eligible for a sentence reduction, *see* Probation Report, Dkt. 288; and

WHEREAS the Court has considered the record in this case.

IT IS HEREBY ORDERED that Defendant is ineligible for a sentence reduction pursuant to Amendment 821. Mr. Bonafe did not have zero criminal history points, and is accordingly precluded from the zero-point offender reduction. Although Mr. Bonafe received a two-point enhancement for committing the instant offenses while under a criminal justice sentence — qualifying him for the status points reduction — applying the status points reduction does not

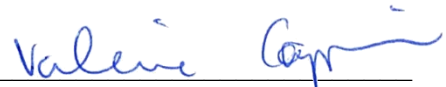
¹ Mr. Bonafe also moved for a sentence reduction on various other grounds. Mot., Dkt. 1163. In response to a Court order granting Mr. Bonafe an opportunity to withdraw the portion of his motion that could be construed as a motion made under 28 U.S.C. § 2255, Mr. Bonafe stated that he sought “to only go forward with the Amendment 821 claim.” Letter, Dkt. 1175.

change the applicable Criminal History Category or Guidelines range, *see* Probation Rep., Dkt. 1177.

IT IS FURTHER ORDERED that the Clerk of Court is respectfully directed to close the open motion at Dkt. 1175 and to mail a copy of this Order and the Presentence Investigation Report at Dkt. 1177 to Emmanuel Bonafe, Reg. No. 87551-054, FCI Schuylkill, Interstate 81 & 901 W, Minersville, PA 17954, and to note the mailing on the docket.

SO ORDERED.

Dated: April 24, 2024
New York, NY



VALERIE CAPRONI
United States District Judge